

Minutes of the Kansas Sentencing Commission Meeting August 31, 2005

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on August 31, 2005, at 1:40 p.m. The meeting was held in the Senate Room of the Jayhawk Tower Building, Topeka, Kansas.

Attendance

Members: Honorable Ernest L. Johnson, Chairman; Honorable Christel Marquardt; Senator John Vratil; Senator Greta Goodwin; Representative Janice Pauls; Representative Kevin Yoder; Roger Werholtz, Secretary of Corrections; Rick Kittel, Board of Indigents' Defense Services; Marilyn Scafe, Kansas Parole Board; Chris Mechler, Office of Judicial Administration; Kathleen Lynch, Private Defense Attorney; Dr. Donald Jackson, Public Member. Staff: Patricia Biggs, Executive Director; Julia Butler, Staff Attorney; Kunlun Chang, Research Director; Fengfang Lu, Senior Research Analyst; Lora Moison, Research Analyst; Brenda Harmon, Administrative Assistant; Janice Brasher, Grant Administrator; Marty Schmiedeler, Accountant; Jennifer Dalton, Research Analyst.

Approval of the Minutes

The Chairman referred to the minutes of the July 6, 2005, Kansas Sentencing Commission meeting via conference call. A motion was made to approve the minutes by the Honorable Christel Marquardt and seconded by Roger Werholtz. The motion carried.

Adult Prison Population Projections – Fiscal Year 2006 model

Ms. Patricia Biggs gave a PowerPoint Presentation of the FY 2006 Adult Inmate Prison Population Projections. A handout of the report was also provided. The total number of admissions for FY 2005 was 3,389. On June 30, 2005, the total incarcerated population was 9,046. That is a drop from 9,153 in FY 2004. The report gives projections from FY 2006 through FY 2015. It shows a projected prison population of 9,749 by FY 2015, which is a 7.8% increase of 703. The current total prison capacity is 9,357 (8,624 male and 733 female).

A motion was made to approve the FY 2006 Adult Prison Population Projections by Senator John Vratil and seconded by Representative Janice Pauls. The motion carried.

Juvenile Population Projections

Ms. Biggs stated the projected date to receive FY 2005 data from JJA is now September 15th.

Senate Bill 45 CJ-3R Committee Update

The Honorable Christel Marquardt stated the Recodification Committee has been meeting long hours monthly. They have gone through the person felonies and are starting the property crimes now. A discussion held at their last meeting was the issue of DNA and scientific evidence. They're also looking very carefully at computer crimes. They were initially given one year to report back to the Legislature. The last time the criminal code was rewritten it took six years. The Recodification Committee knows they will not be finished by January, so they decided to ask the Legislature for an extension of one year. They have applied for a number of grants to help fund their work, but none have come through to date.

Secretary Roger Werholtz discussed the Behavioral Health Committee progress. They're getting ready to provide a series of recommendations, with the most significant one being a model for training particularly law enforcement personnel to recognize symptoms of mental illness and finding an alternative response to housing them in county jails.

Senate Bill 123 Update and Information

Overview of Current Status

Ms. Biggs discussed a SB 123 update completed August 29th in Salina for treatment providers and Community Corrections staff. A handout was provided. This overview goes from program inception through August 2, 2005. Topics covered included:

- Sentencing Activity of SB 123 Court Cases
- LSI-R (Level of Services Inventory – Revised) Assessments
- Intervention Activity (Substance Abuse Treatment Interventions)
- Treatment Payments
- Invoice Submissions, Offender Reimbursements, Insurance Payments
- Budget for Treatment

Recommendations to Commission for Changes to Cost Structures

The SB 123 Implementation Manual states that provider rates and caps are set and reviewed annually by the Kansas Sentencing Commission. Upon review and revision of the Manual, the following recommendations regarding modalities and cost structures were presented to Commission members by Ms. Biggs:

1. Remove Day Treatment as a modality.
2. Change billing rate for Intensive Outpatient from \$120 per day to \$45 per hour.
3. Delete the "Halfway house" portion of the modality presently defined as Reintegration/Halfway house.
4. If an offender is in inpatient services, receiving 24/7 treatment services, providers should not be able to bill out additional costs for family services.

Following a discussion by Commission members, item four was amended as follows: If offender is in inpatient treatment in excess of 30 days, family services must be included as part of that treatment (at no additional cost). A motion to approve the four proposals, including the amendment to item four, was made by Senator John Vratil and seconded by Chris Mechler. The motion carried.

Utilization Review Process and Current Results

Ms. Biggs provided an overview of the KSC SB 123 Treatment/Service Utilization Review completed by the Mental Health Consortium (TMHC). They looked at billing records from January – March, 2005. This analysis was billed out at about \$3,000. As a second step of this project, TMHC had the KSC request full treatment files for about 4-5 individuals that have gone through treatment. The sealed files have been received, and will be reviewed by TMHC in the KSC office, where the files will stay. They will give an estimate on how long it will take to do a small, medium and large treatment file. An estimate on what we can afford and what is needed in terms of future services (Utilization Reviews) will then be possible.

Journal Entry of Sentencing, Presentence Investigation Reports – include/exclude Social Security Number, Date of Birth

Ms. Mechler provided follow-up information following a discussion at the last KSC meeting concerning the need by DOC and KSC for social security numbers and birth dates for data collection. She suggested the best way to solve this issue would be to put the defendant's SS# and DOB on page three of the Presentence Investigation Report (PSI) under the caption "Defendant's Version." Page three is a confidential page, and is released only to the district attorney, judge, defense attorney, Court Services and Community Corrections. It is not placed in the court file for public use. A letter will go out by Ms. Mechler to notify the Chief Court Service Officers of the change effective immediately and the need to include page three (with the needed identifying information) with the Journal Entries that are mailed to DOC and KSC.

A motion was made by Representative Janice Pauls and seconded by the Honorable Christel Marquardt to approve the modification of the PSI form (moving the social security number and date of birth from the cover sheet to page three under "Defendant's Version"). These changes will be made on the KSC web site. With the 2005 Desk Reference Manual already printed the changes will not be possible there. The motion carried.

KCJIS: Statute file, Integration, Intern

Ms. Biggs discussed the current status of the Sentencing Commission's involvement in the KCJIS project. The statute file the KBI provides that feeds full court doesn't agree with the KSC statute file or the DOC statute file. Reconciliation of these is currently being worked on. Hopes of securing an intern from one of the law schools that can help with this project is being researched. They hope to provide credit in lieu of salary.

LSI-R Update

The LSI-R Pilot Program in Johnson County was mentioned by Chairman Johnson. A detailed report will be given at the next Commission meeting by Marilyn Scafe.

Request for Data

Ms. Biggs discussed a letter received from Amnesty International that is requesting data on the number of convictions for violation §21-3520 (unlawful sexual relations). A motion was made by the Honorable Christel Marquardt and seconded by Senator John Vratil to have Ms. Biggs reply to the letter stating we do not have the data they're requesting broken down and can not accurately supply the data requested. The motion carried.

Next Meeting

The next meeting is scheduled for Wednesday, October 5th at 1:30 p.m.

A motion was made by the Honorable Christel Marquardt and seconded by Senator Greta Goodwin to adjourn the meeting. The motion carried, and the meeting was adjourned.